

SENATE BILL No. 20

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-10-1-3; IC 12-10-13.

Synopsis: Long term care ombudsman office. Establishes the long term care ombudsman office as a separate governmental entity. Requires the governor to appoint the long term care ombudsman. Provides for the transition of the long term care ombudsman office from within the division of disability, aging, and rehabilitative services to an independent state office.

Effective: Upon passage; July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Health and Provider Services.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 20

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-10-1-3 IS AMENDED TO READ AS
2 FOLLOWS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The
3 bureau shall administer the following programs:
4 (1) Older Americans Act under IC 12-9-5-1.
5 (2) Area agencies on aging services under this article.
6 (3) Adult protective services under IC 12-10-3.
7 (4) Room and board assistance and assistance to residents in
8 county homes under IC 12-10-6.
9 (5) Adult guardianship program under IC 12-10-7.
10 (6) Community and home options for the elderly and disabled
11 under IC 12-10-10.
12 (7) Nursing home preadmission screening under IC 12-10-12.
13 (8) ~~Long term care advocacy under IC 12-10-13.~~
14 ~~(9)~~ Nutrition services and home delivered meals.
15 ~~(10)~~ (9) Title III B supportive services.
16 ~~(11)~~ (10) Title III D in-home services.
17 ~~(12)~~ (11) Aging programs under the Social Services Block Grant.



(~~13~~) **(12)** United States Department of Agriculture elderly feeding program.

(~~14~~) **(13)** Title V senior employment.

(~~15~~) **(14)** PASARR under older adult services.

(~~16~~) **(15)** Medicaid waivers for in-home services.

SECTION 2. IC 12-10-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The ~~division shall~~ **establish** the long term care ombudsman office **is established** in compliance with 42 U.S.C. 3027.

SECTION 3. IC 12-10-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. Subject to sections 10 through 12 of this chapter, the ~~director of the division~~ **governor** shall appoint the state long term care ombudsman to direct the office on a full-time basis.

SECTION 4. IC 12-10-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The ~~director~~ **governor** shall appoint an acting state ombudsman within thirty (30) days of a vacancy in the position of state ombudsman. The acting state ombudsman has the powers and duties of the state ombudsman.

SECTION 5. IC 12-10-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. The ~~director~~ **governor** may not appoint as state ombudsman an individual who has been employed by a long term care facility or a home care service organization within one (1) year preceding the ~~director's~~ **governor's** proposed appointment.

SECTION 6. IC 12-10-13-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. The state ombudsman and a member of the state ombudsman's immediate family may not have had a pecuniary interest in a long term care facility or a home care service organization within three (3) years preceding the ~~director's~~ **governor's** proposed appointment.

SECTION 7. IC 12-10-13-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. The ~~director of the division~~ **state ombudsman** shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "division" refers to the division of disability, aging, and rehabilitative services.**

(b) **As used in this SECTION, "office" refers to the long term care ombudsman office.**

(c) **Rules adopted by the division before July 1, 1999, under IC 12-10-13-17, as amended by this act, are considered rules of the**



1 office after June 30, 1999.

2 (d) On July 1, 1999, all records, appropriations, powers, duties,
3 and liabilities of the division under IC 12-10-13 are transferred to
4 the office.

5 (e) The individual who is the state ombudsman (as defined by
6 IC 12-10-13-6) on June 30, 1999, continues to serve as the state
7 ombudsman after June 30, 1999, until the governor appoints a new
8 ombudsman under IC 12-10-13-8, as amended by this act. The
9 governor may reappoint the individual who is the state
10 ombudsman on June 30, 1999, as the state ombudsman.

11 (f) An individual who was employed as an ombudsman (as
12 defined by IC 12-10-13-4.5) on June 30, 1999, and who continues
13 to serve as an ombudsman after June 30, 1999, does so with all the
14 rights, duties, and conditions of employment the individual had as
15 an ombudsman before July 1, 1999.

16 (g) All furniture and equipment located in and used by the office
17 on June 30, 1999, is the property of the office after June 30, 1999.
18 The Indiana department of administration shall provide the office
19 with any needed office space and equipment.

20 (h) This SECTION expires July 2, 1999.

21 SECTION 9. An emergency is declared for this act.

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